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7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10
11 CALIFORNIA DEPARTMENT OF TOXIC
SUBSTANCES CONTROL,

12 Plaintiffs,

13 v.

14 BRIGHTON OIL CO., a California limited
15 partnership, et al.,

16 Defendants.

17
18 AND RELATED CROSS-ACTIONS.

Case No.: CIV S-02-0018 GEB JFM

STIPULATION AND ORDER RE
DISMISSAL OF THIRD-PARTY
DEFENDANT McDONNELL
DOUGLAS CORPORATION BY
THIRD-PARTY CROSS-
COMPLAINANT PACIFIC GAS AND
ELECTRIC COMPANY

19
20 Defendant and Third-Party Cross-Complainant Pacific Gas and Electric
21 Company and Third-Party Defendant McDonnell Douglas Corporation ("MDC"),
22 through their undersigned attorneys, with the consent of the Court as provided below,
23 agree as follows:

24 1. Pacific Gas and Electric Company's Second Amended Cross-
25 Complaint against MDC shall be dismissed without prejudice.

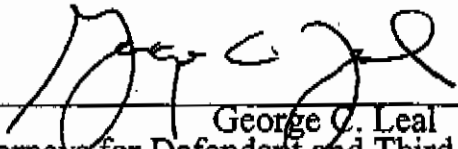
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2. Pacific Gas and Electric Company and MDC shall each bear their own attorneys' fees and costs related to this action.

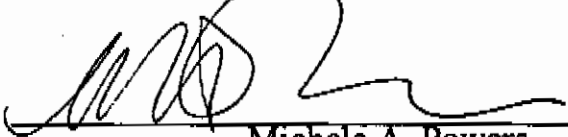
DATED: August 4, 2004

GEORGE C. LEAL
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George C. Leal
Attorneys for Defendant and Third-Party Cross-Complainant
PACIFIC GAS AND ELECTRIC COMPANY

DATED: August 15, 2005

WARD L. BENSHOOF
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Michele A. Powers
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MCDONNELL DOUGLAS CORPORATION

ORDER

APPROVED AND SO ORDERED.

DATED: ~~August ---, 2005~~ October 5, 2005


GARLAND E. BURRELL, JR.
UNITED STATES DISTRICT COURT JUDGE

PROOF OF SERVICE

I, Heather Thai, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071. I am over the age of eighteen years and not a party to the action in which this service is made.

On August 15, 2005, I served the document(s) described as STIPULATION AND ORDER RE DISMISSAL OF THIRD-PARTY DEFENDANT McDONNELL DOUGLAS CORPORATION BY THIRD-PARTY CROSS-COMPLAINANT PACIFIC GAS & ELECTRIC on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

☒ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, Los Angeles, California 90071.

☐ BY FEDERAL EXPRESS ☐ UPS NEXT DAY AIR ☐ OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by ☐ FEDERAL EXPRESS ☐ UPS ☐ Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of ☐ FEDERAL EXPRESS ☐ UPS ☐ OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.

☐ BY FACSIMILE: I telecopied a copy of said document(s) to the following addressee(s) at the following number(s) in accordance with the written confirmation of counsel in this action.

☐ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ [Federal] I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 15, 2005, at Los Angeles, California.

Heather Thai
Heather Thai

DTSC v. BRIGHTON OIL CO., et al.
United States District Court, Eastern District of California
Case No. CIV S-02-0018 GEB JFM

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